



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/283, 198	04/01/99	FIEDLER	H

024035
EUGENE J A GIERZAK
KEYSER MASON BALL
201 CITY CENTRE DRIVE
SUITE 701
524 MISSISSAUGA, ONTARIO
CANADA

IM22/1211

AIR MAIL

EXAMINER

SORKIN, D

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

12/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory Action	Application No.	Applicant(s)
	09/283,198	FIEDLER ET AL.
	Examiner	Art Unit
	David L. Sorkin	1723

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 04 December 2000 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 707.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (see NOTE below);
 - (b) they raise the issue of new matter. (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see detailed action.

4. Applicant's reply has overcome the following rejection(s): _____.
5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 12-22.

Claim(s) withdrawn from consideration: 3-11.
9. The proposed drawing correction filed on _____ a) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
11. Other:

DETAILED ACTION

1. The list of references included with the proposed amendment filed 04 December 2000 is not a proper Information Disclosure Statement (IDS) and has not been considered. See 37 CFR 1.97 and 1.98. 37 CFR 1.97 sets forth when an IDS is considered and 37 CFR 1.98(a)(2) requires a legible copy of each publication or that portion which caused it to be listed.
2. Many new issues that would require further consideration or search are raise by the proposed claims, for example the claimed narrowness of a frequency band and the interaction between corner vortices and primary vortices. The issue of new matter is also raised.
3. Also the meaning of "0000in" in claim 23 is unclear.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 7:30 - 5:00 Mon.-Thur., Alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7718 for regular communications and 703-305-3599 for After Final communications.

Art Unit: 1723

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin

December 6, 2000



W.L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700